

BARKER, J. }
Equity Chambers. }

[Oct. 22.]

IN RE MCNAUGHTON.

Administration bond—Application to put in suit—Creditor abroad—Security for costs—C. 52 s. 51, C.S.N.B.

Where an application to put an administration bond in suit under c. 52, s. 51, C.S.N.B., is made by a creditor residing outside the jurisdiction of the Court he will not be required to put in security for the costs of action to be brought upon the bond as a condition of obtaining the order, nor is the applicant required to make out more than a prima facie claim against the estate of the deceased, and that there has been default by the administrator.

The order of the Court allowing the bond to be put in suit was directed to be taken out of the Clerk's office.

Form of order in *In re Hunter*, 1 Han. 235, followed.

M. G. Teed, for the petitioner.

W. B. Chandler, for the sureties.

COUNTY COURT.

FORBES, Co.J.]

[Oct. 12.]

KELLY v. BURGESS.

Civil Action—Wrongful arrest—Habeas corpus—C. 41, C.S. N.B.

Proceedings for the discharge of a prisoner arrested on civil process out of the Parish Civil Court of Lancaster may be taken under s. 4, c. 41, C.S. N.B., and the section is not confined to criminal or quasi-criminal cases.

Chapman, for the application.

Baxter, contra.

Province of British Columbia.

SUPREME COURT.

DRAKE, J.]

[Oct. 12.]

REG. v. PETERSKY.

Certiorari—Sunday observance by-law.

This was an application for a writ of certiorari to remove the proceedings relative to the conviction of Simon Petersky for breach of a by-law of the Richmond municipality, being a by-law for the better observance of the Lord's day, commonly called Sunday. The by-law enacts that no person whomsoever shall do or exercise any worldly labor, business or work of his ordinary calling upon the Lord's day, or any part thereof, works of necessity and charity only excepted, and no person shall publicly cry forth or expose for sale, or sell, or permit to be exposed for sale or sold, any wares, merchandise, fruit, fish, game